

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1-15 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claims 1 and 3-15 will be pending for further consideration and examination in the application.

ALL REJECTIONS UNDER 35 USC '102 AND '103 - TRAVERSED

All 35 USC rejections (i.e., the 35 USC '102 rejection of claims 1-6 and 8-15 as being anticipated by Myr (U.S. Patent 6,615,130); and, the 35 USC '103 rejection of claim 7 as being unpatentable over Myr (U.S. Patent 6,615,130) in view of Yoshida (U.S. Patent 5,699,056)) are respectfully traversed.

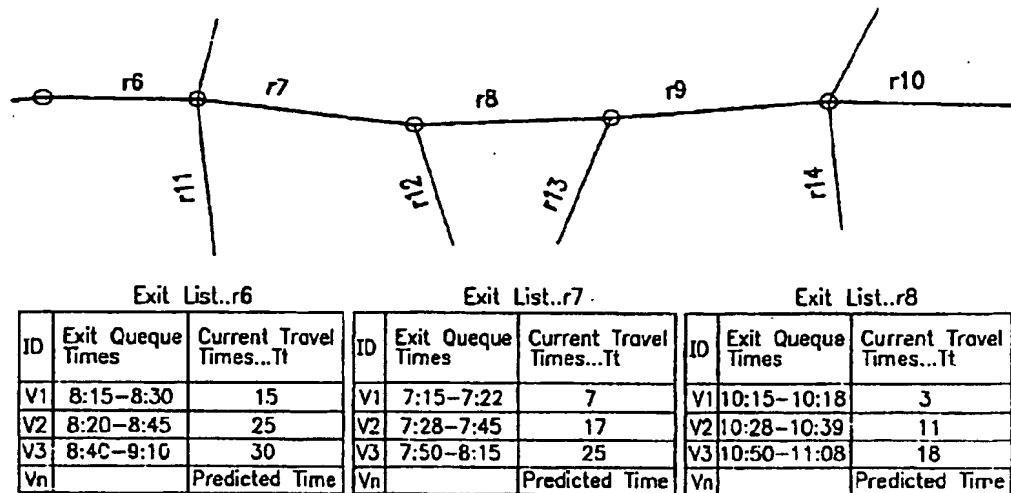
All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

More particularly, Applicant's clarified claims (e.g., independent claim 1) claim an arrangement wherein "said travel time calculating step calculates said travel time, by using, as the travel time of a first link constituting a route between said departure position and said destination, a travel time corresponding to a time zone including a departure time of said departure position included in said statistical data, or a travel time obtained from the moving speed corresponding to the time zone, and, as the travel time of the (n)th route constituting link ($n \geq 2$) constituting the route between said departure position and said destination, a travel time corresponding to a time zone including an expected arrival point of time at a termination node of (n-1)th route constituting link, being connected to the (n)th route constituting link, or a travel time obtained from a moving speed corresponding to the time zone." As an example, if a vehicle leaves city A at 12:00 noon onto a highway as a "first link", Applicant's invention will look at 12:00 noon statistical data for the "first link", to predict a travel time along such "first (highway) link" (assume the prediction is a two (2) hour travel time). Based on the prediction, the vehicle would exit the first link and enter a second link at 2:00pm. Applicant's invention will then look at 2:00 pm (not 12:00 noon) statistical data for the "second (i.e., "Nth") link") to predict a next travel time along the "second link". That is, Applicant's invention uses the expected

embarkation time at each link to select appropriate statistical data (i.e., matching the link's embarkation time) to be used to predict a travel time along that link.

Turning now to rebuttal of the Myr reference, Myr's FIG. 20 (reproduced herewith) shows an example of a vehicle traveling on neighboring road links r6-r7-r8.



It is respectfully noted that Myr's FIG. 20 doesn't look at statistical data matching each link's embarkation time, and instead, for each link, Myr's FIG. 20 arrangement looks at the travel times of the last three vehicles V1, V2, V3 which traveled the link, to predict a travel time for that link. It is respectfully noted that the listed V1, V2, V3 travel times (7:15-7:22; 7:28-7:45; 7:50-8:15) of the middle link r7, are earlier in time than the listed V1, V2, V3 travel times (8:15-8:30; 8:20-8:45; 8:40-9:10) of the first link r6. Clearly, Myr's FIG. 20 is not looking at statistical data matching each link's embarkation time.

In addition to the foregoing, the following additional remarks from Applicant's foreign representative are also submitted in support of traversal of the rejection and patentability of Applicant's claims.

Mainly, a counterargument relies on the prior claim 2 features (now incorporated into clarified claim 1). Myr does not disclose an art that uses (in a calculation for a required travel time from a current position to a destination) statistic traffic information of a link travel time corresponding to an approach time at the road link n. Although it can be found in column 25, lines 40-54 of Myr that statistical travel time information is used in a search for a route, there is no disclosure that the statistical travel time information is used to calculate a required travel time or how the statistical travel time information is used to calculate a required travel time information.

That is, the disclosure of Myr is neither concrete nor specific enough to suggest an art where data used in a calculation for a required travel time from a current position to a destination is the statistic traffic information of a link travel time corresponding to an approach time at the road link n.

As another distinguishing feature, Applicant's Claim 7 states that, as is described in Figures 14 and 16 of the present application, the length of a traffic jam is displayed in a bar graph. Office Action comments attempt to assert that these features are obvious from Figures 34(A) and 35(B) of Yamada. However, the Office Action assertion is incorrect since neither a bar graph nor a plot display can be found in Yoshida, and thus a person with an ordinal skill can not arrive at the present invention.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection or '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 and '103 rejections, and express written allowance of all of the rejected claims, are respectfully requested. Further, at this point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next action final.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to

any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

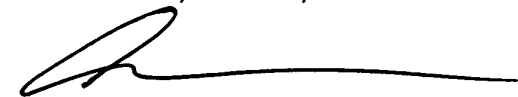
In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 566.43723X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Paul J. Skwierawski
Registration No. 32,173

Alan E. Schiavelli
32087

PJS/slk
(703) 312-6600